

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDREA VARGAS, JUAN VARGAS,
personally, and as father of JV, a minor,
and ADAM VARGAS, DANNY VARGAS,
CODY OLACHEA, and KAYSHA SAIZ,

Plaintiffs,

vs.

CV 11-00082 JCH/CG

OFFICER MIKE BRISENO, OFFICER DAVID GRIEGO, SERGEANT ROBERT PEREZ, OFFICER ERIC HAANES, OFFICER JOHN GARCIA, and OFFICER DAVID ROCK, police officers employed by the City of Farmington, New Mexico, Police Department, all named individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009, and, LIEUTENANT NEIL HAWS, SERGEANT MATT WILCOX, and OFFICER CARLOS LOOMIS, sheriff's officers employed by the San Juan County Sheriff's Office, all named individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009, and OFFICER ROCKY VELARDE, a police officer employed by the New Mexico State Police individually as to the events of July 7, 2008, and individually and in his official capacity as to the events of September 3, 2009, and OTHER UNKNOWN POLICE OFFICERS, employees of law enforcement entities of the State of New Mexico or its political subdivisions, individually as to the events of July 7, 2008, and individually and in their official capacities as to the events of September 3, 2009,

Defendants.

ORDER DENYING MOTION TO WITHDRAW

THIS MATTER comes before the Court on attorney Santiago Juarez's *Motion to Withdraw as Counsel and Stay Litigation Until New Counsel is Retained by Plaintiffs*, (Doc. 63). Mr. Juarez seeks to withdraw as counsel for Plaintiffs Andrea Vargas, Juan Vargas, Adam Vargas, Danny Vargas, and Cody Olachea. (*Id.* at 2). He states that, while he has spoken with his clients on several occasions, "they have not been [] available when

necessary to communicate with them." (*Id.*). He states that Plaintiffs have not assisted him in preparing responses to the pending motions filed by Defendants. (*Id.*). He has hired a private citizen to help facilitate client communications with no positive results. (*Id.*).

Mr. Juarez's motion provides good cause to allow him to withdraw from the case. However, the motion fails to comply with the applicable Local Rules of Civil Procedure for the District of New Mexico. An unopposed motion to withdraw must indicate the consent of the withdrawing attorney's clients. D.N.M.L.R. 83.8(a). Mr. Juarez's motion fails to state whether Plaintiffs consent to his withdrawal or whether they are even aware he is seeking to withdraw. Neither does the motion comply with local rule 83.8(b), which provides that a contested motion to withdraw must be served on all parties, including the withdrawing attorney's clients, and that the motion must state that the parties have fourteen days to object to the motion. D.N.M.L.R. 83.8(b). Mr. Juarez has been advised of rule 83.8(b)'s requirements by this Court in the past. (See Doc. 36 at 2). Should Mr. Juarez wish to pursue the motion to withdraw, he is instructed to re-file his motion and indicate the consent of the Plaintiffs or to provide proof that he served the motion on all parties, including the five remaining Plaintiffs at their last known addresses, advising them of their opportunity to object in compliance with D.N.M.L.R. 83.8(b).

IT IS THEREFORE ORDERED that the *Motion to Withdraw as Counsel and Stay Litigation Until New Counsel is Retained by Plaintiffs*, (Doc. 63), be **DENIED**.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE